

**ZONING BOARD OF ADJUSTMENT**

Meeting Minutes

Recorded by Janice Pack

February 18, 2021

**Members Attending:** Gil Morris, George Rainier, Loren White, Sheldon Pennoyer

**Meeting opened at 6:06 PM**

Gil called the meeting to order and read the disclosure for holding a meeting

**ZBA Case 2021-01**

The application was submitted by Len Pagano, Architect on behalf of Cyrus Gregg who is requesting a Special Exception concerning Map R-2 Lot 14, 176 Crotched Mountain Road. Both were present, as was Eric Gregg. Gil read through the Application and asked the Applicants to present.

Mr. Pagano described the intent of the project. The property is a 1-acre site accessed by a private way off of Crotched Mountain road. There are 2 structures on the site, built at 2 separate times, and there is no intended change of use of this property. The intent is to make the property usable for the current generation.

George asked how long the driveway was, if they were going to make any changes to the entrance, and how wide it was. Len said no changes were anticipated, and it was 12'-16' wide. Loren asked who owns the Right of Way. Mr. Gregg said it was deeded to the property. Cy Gregg said that all of the property is owned by Crotched Mountain except for this property. The land has been put in a forest easement and is supposed to be left untouched. Years ago, when he did clear the front part of the property, he went through the whole process with the State to be allowed to do so. His grandfather built the first structure. He pointed out that the well for the house is not actually on their property, but on Crotched Mountain property. Loren asked if the federal involvement has any say on what goes on there. Mr. Gregg said No. Sheldon agreed that because it is a privately owned property, they probably would not. George asked when they were built. The original stone one was built in the 1930s and the main cabin was built around 1950.

Sheldon asked for clarification on the easement; he would guess that it is not part of this property and they have no say on what goes on right on this particular lot.

George is wondering about restrictions on the easement as far as the road going in is concerned. Mr. Gregg said as long as they keep the road the way it is and where it is, there is no problem. He feels it will be okay for construction vehicles. When the well was built, they were able to get in there. The driveway is totally passable. Gil asked about heating; would they be able to get an oil truck in there. Mr. Gregg said the structures are currently not heated, but there would be no problem.

Gil asked who was notified, and Janice provided the List of Abutters given to her by Mr. Pagano.

The Board headed into deliberation.

Gil said as far as the activity proposed on the property, the addition will be going in between the 2 existing buildings and on one side will be coming out a little more. Sheldon asked if the additions met the setback requirements and Mr. Pagano said they did. George read the Driveway Specs and in Section 5, 1, it noted driveways and turnouts specs. In section 6 Non-Conforming Buildings or Land, George noted that the first cabin was built before zoning went into effect, but the second cabin was built afterwards. Is this a problem? The early camp might be covered but what about the second camp? We've already heard that the addition will not encroach any further into the setbacks.

Gil looked at the nonconforming aspects and wondered if we need to make the driveway conforming as well. Loren said Cy was explaining that there is a turnaround within the house lot that is sufficient for vehicles coming and going. Eric Gregg said he thought it met the criteria; Len said if not, it would be easily achievable.

Loren said the need to have the Highway Department, or whoever is responsible, sign off on the driveway might be a condition.

George told the applicants that we have only 4 members present; 5 members will generally vote to approve or not approve a case. There needs to be 3 affirmative votes to pass, so they do have the option to continue this hearing until another member can be present. Mr. Gregg decided to move ahead.

Sheldon said he was concerned about the way the material was being shared on the Zoom platform. We will make a greater effort for our next Public Hearing to get him material to Screen Share beforehand.

**Sheldon moved to approve Criteria 1 as stated. George seconded. A roll call vote was taken and all were in favor; motion passed.**

**Sheldon moved to approve Criteria 2 as stated. Loren seconded. A roll call vote was taken and all were in favor; motion passed**

**Loren moved to approve Criteria 3 as stated. George seconded. A roll call vote was taken and all were in favor; motion passed.**

**Sheldon moved to accept Criteria 4 as stated. Loren seconded. Discussion: Gil said this is where we might want to have the turnout confirmed that it meets the driveway regulations. Sheldon said if we go for a motion to approve, we add that condition there. A roll call vote was taken and all were in favor; motion passed.**

All criteria were approved. **Sheldon moved to approve the Special Exception under Section VI for Cyrus Gregg of Peterborough, NH for the property Map R2, Lot 14. The driveway will meet the minimum standard of the driveway ordinance and shall be reviewed and inspected by the Building Inspector to be sure that the turnout meets the regulations prior to a final certificate of occupancy. (Reference Section 5 Driveway Standards F.1.) Loren seconded. A roll call vote was taken and all were in favor; motion passed.**

#### Other Business

The Board has received an application for Administrative Appeal on a decision made by Michael Borden from the Chrisentons. The Chrisentons are present on Zoom. The Board will schedule a meeting tonight to review the application for properties R10-13 and R10-13-1 on Tuesday, March 2<sup>nd</sup> at 6:00.

Sheldon said he's been thinking that we've had a lot of applications from Allrose Farm and he's seeing some things in town where clearly there are businesses on people's property where we are turning a blind eye. He wonders if they are doing something outside of what their right is. Gill said it's basically a Code Enforcement Issue. Gill asked if it was something that we, as a Board, might want to bring up to the Select Board. Gill will draft a letter that we can send to the Select Board regarding this issue. George added that we have an ordinance that says no storage containers and one about multiple cars on a lot and these are also not being enforced.

**George moved to adjourn at 7:19 PM and Loren seconded. A roll call vote was taken and all were in favor; motion passed.**

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